

REMARKS/ARGUMENTS

Claims 1, 3, 5-12 and 22-31 remain in the application, all of which stand rejected. Claims 2, 4 and 13-21 have been canceled, but may be pursued in a continuation application without prejudice.

1. Double Patenting Rejection of Claims 1, 3, 5-12 and 22-31

Claims 1, 3, 5-12 and 22-31 stand rejected on the basis of nonstatutory double patenting over US Patent No. 7,265,849. In response, applicants submit herewith an appropriate Terminal Disclaimer. The Terminal Disclaimer is submitted in an effort to move prosecution through to completion, and not as an indication that applicants agree with the congruencies drawn by the Examiner between the claims of the instant application and the claims of US Patent No. 7,265,849.

2. Rejection of Claims 1, 3, 5-12 and 22-31 Under 35 USC 102(e)

Claims 1, 3, 5-12 and 22-31 stand rejected under 35 USC 102(e) as being anticipated by Gurunathan et al. (US Pat. No. 7,265,849; hereinafter "Gurunathan").

With respect to claim 1, the Examiner asserts that Gurunathan discloses a second conversion unit comprising "an electrical local oscillator for generating a **fixed** electrical local oscillator signal". Applicants respectfully disagree. Although Gurunathan discloses an "electrical LO 204", the LO is not specifically disclosed to produce a **fixed** electrical local oscillator signal. As a result, Gurunathan does not disclose each and every limitation of applicants' claim 1, and a rejection of applicants' claim 1 under 35 USC 102(e) is believed to be inappropriate.

For the above reason, applicants ask that the 35 USC 102(e) rejection of claim 1 be withdrawn and that claim 1 be allowed.

Claims 3, 5-12 and 22-31 are believed to be allowable, at least, for reasons similar to why claim 1 is believed to be allowable.

3. Conclusion

In light of the remarks provided herein, applicants respectfully request the issuance of a Notice of Allowance.

Respectfully submitted,
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